

COMMISSION MEETING MINUTES
November 18, 2014

The Board of Davis County Commissioners met in room 303 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah on November 18, 2014 at 10:00 am. Members present were: Commissioner Louenda H. Downs - Chair, Commissioner P. Bret Millburn, Clerk/Auditor Steve S. Rawlings, Chief Deputy Civil County Attorney Neal Geddes, and Deputy Clerk/Auditor Janet Hanson. Commissioner John Petroff, Jr. was excused.

Dax Teuscher, Davis County Purchasing Manager, led the Pledge of Allegiance. All in attendance were invited to stand and join in.

Envision Utah presentation

Ari Bruening, Chief Operation Officer of Envision Utah, introduced and explained Envision Utah is a non-profit organization. The Envision Utah board is made up of government, business, and community leaders who share one thing in common; they care about Utah and the future of Utah. Their mission is to keep Utah beautiful, prosperous, healthy and neighborly for current and future generation. He showed a brief video which told about their project “Build Your 2050 Utah.” They want 50,000 voices to share their voice by taking a survey on their website: www.envisionutah.org. He explained that projections indicate we will double in population by 2050. Governor Herbert asked Envision Utah to do a vision for 2050. He said, “It should be a voluntary, locally implemented market driven vision.”

“Zero 2016 Homeless Campaign”

Kim Michaud, Davis County Homeless Coordinating Council Co-Chair, reminded the Commissioners of the past project presentation she made called “100,000 homes for 100,000 homeless individuals and families.” This goal was accomplished by July 2014 in which Davis County participated. Because of that experience they were invited to apply for and were awarded “Zero 2016 Homeless Campaign.” Davis County was 1 of 68 communities nationwide accepted to participate. With that award the Davis community will pull all of its resources together and commit all of its effort to ending veteran homelessness by the end of 2015 and chronic homelessness by the end of 2016. Davis County was selected because they are already integrating some of the things the nation hopes other communities to do, such as all agencies using a universal assessment tool. This assessment tool was used in the Point in Time Count and prioritizes those who are most vulnerable. As a community effort, Davis County is making a greater effort to house families and individuals who are most at risk of dying on the streets.

LEC food services RFP opening

Dave Hansen, Davis County Legacy Events Center Director, explained the current concessionaire has been doing a great job, but has chosen not to renew their contract with the Legacy Events Center which will expire the end of this year. Steve Rawlings, Davis County Clerk/Auditor, Dax Teuscher, Davis County Purchasing Manager, and Dave Hansen opened the following two bids to provide food services at the Legacy Events Center:

	BIDDER	AMOUNT
1.	Snowhorse Catering	<ul style="list-style-type: none">7% of gross sales on all concessions5% of gross sales for any catering done offsite.
2.	All American Grill	<ul style="list-style-type: none">18% of gross sales on all concessions8% of gross sales for any event catered on-site\$40 flat fee for each use of the LEC kitchen to cater an off-site event.

The bids will be reviewed to ascertain if they meet the parameters and criteria of the RFP. Following the review, an award will be made followed by an agreement.

Amendment #2012-238D Utah Dept of

Brandon Hatch, Davis Behavioral Health Director, presented amendment #2012-238D with the Utah Dept. of Human Services, for additional funding from TANF to fund FY2015 Mental Health Early

Health additional funding for mental health	<p>Intervention. The funds will be utilized in 2 ways: 1) case managers for families struggling with children with mental illness; 2) staff for a receiving center in Kaysville to divert children away from emergency rooms and for DCFS to utilize this center for short term stays in order to stabilize youth to get them back in the home. The receivable amount is \$142,223.00 to be passed through to Davis Behavioral Health. Period of contract is July 1, 2014 through June 30, 2015. Commissioner Millburn made a motion to approve. Commissioner Downs seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.</p>
Amendment #2014-191A Utah Dept of Health additional funding for EPICC	<p>Lewis Garrett, Davis County Health Director presented amendment #2014-191A with the Utah Department of Health to increase funding for EPICC (Environmental Policy and Improved Clinical Care) and to replace sections I and II. He explained the Community Transformation Grant is closing and the funding is being combined into this program. They are similar grants coming from a federal funding stream which the state has combined. It is a receivable of \$31,400.00. Contract period is July 1, 2014 through June 30, 2015. Commissioner Millburn made a motion to approve. Commissioner Downs seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.</p>
Agreement #2014-381 Nightingale College for an internship	<p>Chief Deputy Kevin Fielding, Davis County Sheriff’s Office, presented agreement #2014-381 with Nightingale College for a clinical preceptorship (internship) for student Kylee Larson who will receive nursing clinical site training at the Davis County Jail. There is no funding involved. The contract period is indefinite. Commissioner Millburn made a motion to approve. Commissioner Downs seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.</p>
Notice of Award for Kaysville Branch Library shelving to Spacesaver Intermountain, LLC	<p>Dax Teuscher, Davis County Purchasing Manager, presented a Notice of Award for the Kaysville Branch Library shelving to Spacesaver Intermountain, LLC. Chris Sanford, Davis County Library Director, indicated the shelving will need to be built to specifications and be ready for installation in June for the library opening in the fall. Chris indicated the steel is standing on the building site and the concrete for the slab floor is being poured. Commissioner Millburn made a motion to approve. Commissioner Downs seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.</p>
Agreement #2014-382 Kipper Brothers Puppet Works	<p>Chris Sanford, Davis County Library Director, presented agreement #2014-382 with Kipper Brothers Puppet Works to perform a holiday puppet show at the North Branch Library (Clearfield) on December 1, 2014. The payable amount is \$210.00. Commissioner Millburn made a motion to approve. Commissioner Downs seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.</p>
Agreement #2014-382 Apple Acres MHP, LC to share cost to remove manufactured home	<p>Charity Macfarlane, Davis County Assessor’s Office, presented the following: Agreement #2014-382 with Apple Acres MHP, LC (“community” and land owner) to share in the cost (25%) to remove a manufactured home from their community which has tested positive for methamphetamine (level of 8.4 which is over the allowable limit of 1.0). It is a receivable in the amount of \$1,302.75 or 25% of the cost (whichever is greater). Contract period is through December 15, 2014 or until completed. The home is delinquent in property taxes for 2013 and 2014. The home is liable for seizure and tax sale from state codes 59-2-1302, 59-2-1303. The owner walked away from the home and has since passed away. The County Assessor’s Office will be performing a seizure and tax sale tomorrow morning, November 19th at 10 am. Should no other person or entity bid on it, Davis County will be stricken as the owner of the home. Commissioner Millburn made a motion to approve. Commissioner Downs seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.</p>
Agreement #2014-384 Modtrans, LLC	<p>Agreement #2014-384 with Modtrans, LLC and D.R.’s Mobile Home Service, LLC for the removal of</p>

& D.R.'s
Mobile Homes
Service, LLC
for removal of
the
manufactured
home.

the manufactured home located in Apple Acres MHP, LC. The estimated payable contract amount is \$3,555.00 (75%) which is dependent on the home's weight determined by Wasatch Integrated Waste. The fee will also include documentation of the destruction of the home. Contract period is through December 15, 2014 or until completed. Commissioner Millburn made a motion to approve. Commissioner Downs seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement
#2014-385
Sports Car
Club of
America

Mike Moake, Davis County Legacy Events Center Marketing, presented agreement #2014-385 with Sports Car Club of America for a timed (against the clock) road vehicle course event in the parking lot scheduled for November 23, 2014. The receivable amount is \$1,200.00. This is a pilot event. If it is successful a national event could occur in June 2015. Millburn made a motion to approve. Commissioner Downs seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Receipt &
Release
#2014-386
accept donation
from Grosjean
Living Trust

Clint Thacker, Davis County Animal Care and Control Director, presented a receipt and release #2014-386 with the Grosjean Living Trust to accept a \$5,000.00 donation. The one condition of the donation was for Animal Care and Control to take in Ms. Grosjean's 3 cats, which they did when she was moved into a care facility. The donation will be used to build an awning over the animal outdoor play area. Commissioner Millburn made a motion to approve. Commissioner Downs seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Amendment
#2014-188A
utilize Corridor
Preservaiton
funds to
purchase 3
properties for
West Davis
Corridor

Tony Thompson, Davis County Property Manager, presented amendment #2014-188A, with the Utah Department of Transportation. He requested approval of Davis County Council of Governments' August 20, 2014 recommendation (minutes are included with the document) to utilize the Davis County Corridor Preservation funds for advance acquisition of 3 properties (37.19 acres) for the West Davis Corridor. These are vacant properties which were made available by the owner's request. One property is located in Syracuse (700 South 3000 West). Two properties are located in West Point (4200 West 800 North area). The current fund balance of the account is \$7,036,752.00. The properties all have resale value if they are not needed for the corridor. The record of decision for the corridor alignment is anticipated spring of 2015.

Steve Rawlings, Davis County Clerk/Auditor, indicated he and Curtis Koch reviewed the legislation that took place in 2014. This type of budget change associated with Davis County's budget that is made during the year now requires a general public hearing. Prior to 2014, only the general fund required a public hearing. That has now been changed. The only funds that do not require a budget change would be the enterprise funds, the internal service funds and the trust or agency funds. All other funds including the following now require not only a public hearing, but a resolution by the County Commission to affect those changes. The Clerk/Auditor's Office will be bringing some housecleaning documents before year end to take care of anything that has been missed up to this point to open it for a public hearing.

Curtis Koch, Davis County Chief Deputy Clerk/Auditor, explained through the course of business, the county governing body has the ability to levy taxes. Depending on that tax we may actually receive that money into our county coffers or we may not. Corridor Preservation is an instance in which the County levies the tax, but the State holds it, and in this case will disperse it in Davis County's name. While the money is not in our "bank account" there is a strong movement to recognize it as revenue and expenditure of the county even though the county never has the money come in or out. The budget change reflects Fund 26, and the goal is to be openly transparent that this is tax revenue that was levied by the county governing body, but we don't control the expenditure of that. In the budget change, earlier this year, \$6.4 million was spent on corridor preservation moving from Fund 10 Non-departmental over into our Fund 26. Today's \$2.9 million that is being recognized in Corridor Preservation in Fund 26: The associated budget change is as follows:

<u>Increase</u>	<u>Decrease</u>	<u>Account Name</u>	<u>Account Number</u>	<u>Dollar Amount</u>
(X)	()	Corridor Preservation Rev	26-3113-000	2,932,000
(X)	()	Corridor Preservation Exp	26-4430-292	2,932,000
()	(X)	Corridor Preservation Rev	10-3113-000	6,498,100
()	(X)	Corridor Preservation Exp	10-4150-292	6,498,100
(X)	()	Corridor Preservation Rev	26-3113-000	6,498,100
(X)	()	Corridor Preservation Exp	26-4430-292	6,498,100

Commissioner Millburn clarified; the county imposes the \$10 motor vehicle fee, which is where these dollars come from. The monies are held in an account by the state, but the state can't expend those without Davis County approval. Curtis agreed noting it is similar to the transit UTA tax. The governing body can make their voice known on transportation issues, but in large part the decision is at a different level. Commissioner Millburn asked if the county is controlling the expenditure of the Corridor Preservation money. Curtis confirmed, the money doesn't hit the county's accounts but does direct that money. Steve noted it is a change from prior years. This decision was made this year by the State Auditor that these monies would be shown on the county's books. That means, when the public sees our budget, and it is up \$10 million, that is the reason for it. It is an accounting change that has been directed by the state. He explained there is a three stage process: 1) set up the fund (Fund 26); 2) approve the movement of the money from Fund 10 to the new fund (Fund 26); and 3) resolution and public hearing to hear the public's input. The public would have input on setting up the process. Commissioner Millburn indicated COG has made the recommendation to expend the funds and asked about the need for a public hearing to which Steve said it is one for the legislature to address on this process. Curtis said they can seek further clarification from the State Auditor's Office. Steve indicated this change was from the February legislative session but took effect in May 2014. Commissioner Downs added, "In an effort to prove their intent for transparency, maybe a state office acted very quickly in saying, we'll be very transparent and we'll show all of the money the county has any control over, but in looking really carefully at how this is distributed and how it is used, maybe we need to go back and take a look at how this is accounted for and how it is counted for or against the county because it is being used in a very different way. It can be confusing to a taxpayer, to just see an amount like this that cannot be used for other things, and is being held by the state but is counted in our budgets." Commissioner Millburn understood the accounting aspect of the monies. His concern is the need to conduct a public hearing and where that comes into play and the impact there. He asked if we can act upon and execute the purchasing of the properties. Steve read Utah Code 17-36-26:

Effective 5/13/2014
17-36-26. Increase in budgetary fund or county general fund -- Public hearing.
 (1) Before the governing body may, by resolution, increase a budget appropriation of any budgetary fund, increase the budget of the county general fund, or make an amendment to a budgetary fund or the county general fund, the governing body shall hold a public hearing giving all interested parties an opportunity to be heard.

Steve thought there needed to be some clarification as to the new statute. Curtis added that what is also relevant to the conversation is that historically, throughout the state of Utah, to operate efficiently you would be opening and closing the budget multiple times throughout the year and having multiple public hearings. That has not been the case throughout the state of Utah. Rather we have batched the budget changes together and then throughout the course of the year and then presented those for public hearing twice a year. Traditionally, early in the fall and then as the final budget is presented. Curtis suggested if the Commission is comfortable moving forward with how things have been done traditionally to this point, a motion regarding the associated budget change would be appropriate. It was agreed that appropriations are not increasing. Commissioner Millburn indicated there is some ambiguity in the state statute but all the due diligence has been made.

Commissioner Millburn made a motion to approve with the the associated budget change.

#2014-387
Operational
Guidelines of
the Davis
County Arts
Advisory
Committee

Bountiful
Irrigation
Board
appointment of
Michael
Mayfield

Property Tax
Register
approved

Meeting
minutes
approved

Personnel
Register
approved

Check registers
approved

Commissioner Downs seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Barry Burton, Davis County Planning Department Director and as the Davis County Art Advisory Committee departmental head, requested approval of the Operational Guidelines of the Davis County Arts Advisory Committee #2014-387. He indicated the Art Committee began as an informal group. As the committee has grown in responsibility it has been determined there should be rules and regulations adopted to make it an official appointed committee and accountable to the public. Neal Geddes, Davis County Chief Deputy Civil Attorney, noted that the committee is made up of county officials and residents from the county that have an interest and love and expertise of art. The guidelines set out in the rules that there is direct county oversight, what they can do and limits of what they can't do. It also insures and makes it clear that the committee will comply with open meeting laws. Commissioner Millburn made a motion to approve. Commissioner Downs seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Commissioner Millburn indicated there are some service districts which require, by state statute, Davis County to appoint their board members. Bountiful Irrigation District, due to the death of board member David Hansen, has requested Michael Mayfield be appointed to fill the unexpired term through the end of this year. It is also requested that Mr. Mayfield then be appointed to a subsequent 4-year term beginning January 2015. Mr. Mayfield is a resident of Bountiful (resides within the district), is an attorney and meets the criteria. Commissioner Millburn made a motion to approve. Commissioner Downs seconded the motion. All voted aye.

Commissioner Millburn made a motion to convene as the Board of Equalization. Commissioner Downs seconded the motion. All voted aye.

Dale Peterson, Davis County Tax Administration Director, presented the Property Tax Register which reflected 16 corrections, 336 property tax appeals for approval, 51 property tax appeals for dismiss/deny and various small dollar write-offs recommended by the Davis County Treasurer. Commissioner Millburn made a motion to approve. Commissioner Downs seconded the motion. All voted aye.

Commissioner Millburn made a motion to reconvene the Commission Meeting. Commissioner Downs seconded the motion. All voted aye.

Commissioner Millburn made a motion to approve the meeting minutes of November 4, 2014 and November 11, 2014. Commissioner Downs seconded the motion. All voted aye.

Commissioner Millburn made a motion to approve the Personnel Register. Commissioner Downs seconded the motion. All voted aye.

Check registers as prepared by the Davis County Clerk/Auditor's Office were approved with a motion by Commissioner Millburn. Commissioner Downs seconded the motion. All voted aye. The documents are on file in the office of the Davis County Clerk/Auditor.

No commissioner comments.

No public comments.

Meeting adjourned.

Clerk/Auditor

Chair

